

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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	:	Chapter 11
In re:	:	
	:	Case No. 18-71748-67 (AST)
Orion HealthCorp, Inc., <i>et al.</i> ,	:	Case No. 18-71789 (AST)
	:	Case No. 18-74545 (AST)
Debtors.	:	(Jointly Administered)
	:	
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	:	
Howard M. Ehrenberg in his capacity as Liquidating	:	
Trustee of Orion Healthcorp, Inc., <i>et al.</i> ,	:	
	:	
Plaintiff,	:	Adv. Pro. No. 18-08048 (AST)
v.	:	
	:	
Richard Ian Griffiths, Sally Griffiths, Blake Holdings	:	
Limited, VT Garraway Investment Fund Series IV (f/k/a	:	
City Financial Investment Fund Series IV), Legal &	:	
General Assurance Society Limited, Legal & General	:	
UK Alpha Trust, The Bankers Investment Trust PLC,	:	
Marlborough Fund Managers Limited, Marlborough UK	:	
Micro-Cap Growth Fund, Jarvis Investment	:	
Management Limited, JIM Nominees Limited, Kestrel	:	
Partners LLP, Stuart Rollason, Shard Capital Partners	:	
LLP, Herald Investment Trust PLC, Milkwood Capital	:	
Limited, The Milkwood Fund, Sir Rodney Malcolm	:	
Aldridge, Killik & Co. LLP, Platform Securities	:	
Nominees Limited, Edale Capital LLP, Edale Europe	:	
Absolute Fund LP, Edale Europe Absolute Master Fund	:	
Limited, Credit Suisse Client Nominees (UK) Limited,	:	
Maven Investment Partners Ltd, Miton UK MicroCap	:	
Trust PLC, Miton Trust Managers Limited (a/k/a Miton	:	
Trust Managers PLC), Islandbridge Capital Limited,	:	
Islandbridge Opportunities Fund, Merrill Lynch	:	
International, JPMorgan Smaller Companies Investment	:	
Trust PLC, Skandinaviska Enskilda Banken AB (Publ),	:	
Brewin Dolphin Limited, Ari Charles Zaphiriou-Zarifi,	:	
Denton & Co. Trustees Limited, Rupert Faure Walker,	:	
Pershing Securities Limited, Pershing Nominees	:	
Limited, JPMorgan Life Limited, ABN AMRO Clearing	:	
Bank N.V., London Branch, THESIS Unit Trust	:	
Management Limited, Thesis Headway A Sub-Fund,	:	

Tilney Asset Management Services Limited (f/k/a :
Towry Asset Management Limited), Freedom Global :
Funds PCC Limited, Interactive Investor Services :
Limited, Interactive Investor Services Nominees :
Limited, Matthew Max Edward Royde, Megan Amelia :
Elizabeth Royde, Montlake UCITS Platform ICAV, :
Elite Webb Capital Fund, Nortrust Nominees Limited, :
Credo Capital Limited, Moulton Goodies Limited, :
Moshe Menachem Feuer (a/k/a Mark Feuer), UBS :
Private Banking Nominees Limited, Rupert Dyson, :
Linear Investments Limited, Credit Suisse (Channel :
Islands) Limited, Walker Crips Investment Management :
Limited (f/k/a Walker Crips Stockbrokers Limited), :
W.B. Nominees Limited, Gabelli Investor Funds, Inc. :
(a/k/a The Gabelli ABC Fund), Dr. Shawn Zimberg, :
Oliver Rupert Andrew Scott, finnCap Ltd, John Joseph :
Johnston, Johnston Asset Management Ltd., Interactive :
Investor Limited, CFS Management Ltd (f/k/a CFS :
Portfolio Management Ltd), David Andrew Clark, Karin :
Johnston, and The United States of America, :
Department of Treasury, Internal Revenue Service, :
: :
: :
Defendants. :
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**NOTICE OF PRESENTMENT OF THESIS PARTIES' MOTION TO
DISMISS THE SECOND AMENDED ADVERSARY PROCEEDING COMPLAINT**

PLEASE TAKE NOTICE that upon the forthcoming Memorandum of Law and Declaration in Support of the Motion to Dismiss the Second Amended Adversary Proceeding Complaint (the “Motion”) brought by defendants THESIS Unit Trust Management Limited and Thesis Headway A Sub-Fund (collectively, the “Thesis Parties”) (i) based on the absence of personal jurisdiction over the Thesis Parties pursuant to Fed. R. Civ. P. 12(b)(2) as incorporated in this adversary proceeding by Fed. R. Bankr. P. 7012, (ii) based on the ground that they are non-transferees, (iii) based on the safe harbor provided for in Section 546(e) of the Bankruptcy Code, (iv) pursuant to the doctrine of *forum non conveniens*, (v) pursuant to the *Wagoner* Rule, (vi) based on the failure of the Second Amended Adversary Proceeding Complaint (the “Second”

Amended Complaint”) to set forth any claims on which relief can be granted against the Thesis Parties pursuant to Fed. R. Civ. P. 12(b)(6) as incorporated in this adversary proceeding by Fed. R. Bankr. P. 7012 and (vii) on the ground that the Second Amended Complaint fails to join an indispensable party, as required by Fed. R. Civ. P. 19(a) as incorporated in this adversary proceeding by Fed. R. Bankr. P. 7012, the Proposed Order attached hereto shall be presented to the Honorable Alan S. Trust, United States Bankruptcy Judge, at the United States Bankruptcy Court, Eastern District of New York, 290 Federal Plaza, Courtroom 960, Central Islip, New York 11722, on a date to be determined in accordance with His Honor’s Procedures.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Court’s direction at the hearing held on May 27, 2020, the Memorandum of Law and Declaration in support of the Motion shall be filed on or before June 30, 2020, and pursuant to the agreement of the parties any opposition to the Motion shall be filed on or before August 14, 2020, and any reply in support of the Motion shall be filed on or before September 13, 2020.

PLEASE TAKE FURTHER NOTICE that if an objection to the relief requested is timely filed, or if the Court determines that a hearing is appropriate, the Court will schedule a hearing. Notice of such a hearing will be provided by the Thesis Parties.

Dated: New York, New York
June 15, 2020

BRYAN CAVE LEIGHTON PAISNER LLP

/s/ Stephanie Wickouski
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